

**MINUTES OF THE REGULAR MEETING OF THE
COMMON COUNCIL OF THE CITY OF JASPER, INDIANA
NOVEMBER 17, 2004**

The regular meeting of the Common Council of the City of Jasper, Indiana, was held on Wednesday, November 17, 2004, in the Council Chambers of City Hall located at 610 Main Street.

Call to Order.

Presiding Officer Mayor William J. Schmitt called the meeting to order at 7:00 p.m.

Roll Call.

Mayor William J. Schmitt	Present
Councilmembers	
John Schroeder	Present
Bradley Seger	Present
Thomas Schmidt	Present
Ambrose 'Butch' Schitter	Present
Renee Kabrick	Present
Randall Buchta	Present
Raymond Howard	Present
City Attorney Sandra Hemmerlein	Present
Clerk-Treasurer Juanita S. Boehm	Present

Clerk-Treasurer Juanita Boehm announced that in order to have a quorum for the meeting, a majority of the members of the legislative body must be in attendance. All seven of the members were in attendance; therefore, there was a quorum for the meeting.

Approval of the Minutes

The following minutes were distributed to and examined by the Council:

1. October 20, 2004 regular monthly common council meeting.
2. October 20, 2004 6:35 p.m. public hearing concerning the petition of Kenneth Blessinger, Rose Blessinger, and Alma Kreilein to rezone property located at 198 Third Avenue from Flood Plain (FP) to Business (B-3).
3. October 20, 2004 6:45 p.m. public hearing concerning Ordinance No. 2004-44 regarding erosion control.

A **motion** was made by Councilmember Ambrose Schitter and seconded by Councilmember Renee Kabrick to approve all three sets of minutes. Motion carried 7-0.

Utility Service Board. Utility Service Board Chairman Ken Sendelweck presented a report of the regular monthly meeting held on November 15, 2004. Copies of the minutes were supplied to each council member. Chairman Sendelweck presented a photo of the Water Tower located along Newton Street and there followed some discussion about what color to paint the tower and what

welcome to the city wording to use with the City of Jasper logo when it is placed on the tower.

Appointment to the Wage Determination Committee. On behalf of the Council, Councilmember Thomas Schmidt recommended appointing Alan Welsh to the Wage Determination Committee for the Newton Street water tower renovation project.

Thereafter, a **motion** was made by Councilmember Thomas Schmidt and seconded by Councilmember Renee Kabrick to approve the appointment of Alan Welsh to the wage determination committee for the Newton Street water tower renovation project. Motion passed 7-0.

City Attorney Sandra Hemmerlein reported that the Wage Determination Hearing would be held on December 7, 2004 at 10:00 a.m.

Gas Contractor's License. Mayor Schmitt presented an application for a Gas Contractor's License from Andrew Hulsman, 722 N. Kluemper Road, Jasper. The applicant scored 94% on the test and is employed by Hulsman Refrigeration.

A **motion** was made by Councilmember Ambrose Schitter and seconded by Councilmember Randall Buchta to approve the application for a Gas Contractor's License submitted by Andrew Hulsman provided Mr. Hulsman is in compliance with City regulations. Motion passed 7-0.

Gas Contractor's License. Mayor Schmitt presented an application for a Gas Contractor's License from Phil Schroering, 2480 S. Timberlin Road, Jasper. The applicant scored 92% on the test and is employed by Schroering Plumbing and Heating.

A **motion** was made by Councilmember Bradley Seger and seconded by Councilmember John Schroeder to approve the application for a Gas Contractor's License submitted by Phil Schroering provided Mr. Schroering is in compliance with City regulations. Motion passed 7-0.

Ordinance No. 2004-23 "AN ORDINANCE ANNEXING CERTAIN ADJACENT AND CONTIGUOUS TERRITORY INTO THE CORPORATE LIMITS OF THE CITY OF JASPER, INDIANA" (Brookstone).

Ordinance No. 2004-23 annexes 155 acres located adjacent to and west of County Road 400W, west of Shiloh Estates. The annexation area is known as the Brookstone Annexation.

The ordinance was ordered read on second reading by title only upon motion by Councilmember Ambrose Schitter, seconded by Councilmember Renee Kabrick, and unanimously approved. The ordinance was so read. Thereafter, upon motion made by Councilmember Thomas Schmidt, seconded by Councilmember Ambrose Schitter, the ordinance was approved 7-0 on the second reading.

During discussion, City Attorney Sandy Hemmerlein stated that the ordinance was introduced and a fiscal plan adopted on July 21, 2004 and a public hearing was held on September 22, 2004. Hemmerlein also stated that if the ordinance passed, it would become effective 90 days after publication, which would be around the end of February 2005.

Thereafter, upon motion made by Councilmember Bradley Seger, seconded by Councilmember Randall Buchta, and unanimously carried, it was moved to have the ordinance read on 3rd and final reading by title only. The ordinance was so read. Thereafter, on motion made by Councilmember Ambrose Schitter, seconded by Councilmember Thomas Schmidt, Ordinance No. 2004-23 was unanimously approved on the third and final reading.

During further discussion, Kenny Elliott, 2350 W. Brescher Drive, reported that there was a flood situation near the end of Brescher Drive about a month ago and that it had never flooded like that before. He said that there had never been a problem like that until now when it recently down poured in a short period of time. He asked if the City would address that. Mr. Elliott related that the flooding might have been caused by new development in the area. Because the property is still located in the county, Mayor Schmitt asked City Engineer Chad Hurm to contact the County Highway Department regarding this particular matter.

Ordinance No. 2004-52 “AN ORDINANCE TO TRANSFER APPROPRIATIONS FOR THE CITY OF JASPER, INDIANA, FOR THE REMAINDER OF THE FISCAL YEAR ENDING DECEMBER 31, 2004”

Ordinance No. 2004-52 transfers appropriations for the 2004 budget.

Upon motion by Councilmember Ambrose Schitter, seconded by Councilmember Randall Buchta and unanimously approved, it was moved to read the ordinance for one reading only. Thereafter, on motion made by Councilmember Renee Kabrick, seconded by Councilmember Thomas Schmidt and unanimously approved, it was moved to have the ordinance read by title only. The ordinance was so read. Thereafter, upon motion made by Councilmember Ambrose Schitter, seconded by Councilmember Thomas Schmidt it was moved to pass and adopt Ordinance No. 2004-52. The measure passed 7-0.

During discussion, Clerk-Treasurer Juanita Boehm explained that no additional money was involved, only transfers within a department.

Ordinance No. 2004-53 “AN ORDINANCE AMENDING SECTION 6 (1) OF ORDINANCE No. 546, ENTITLED AN ORDINANCE PROVIDING FOR A UNIFORM CODE FOR TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF JASPER, INDIANA – STOP INTERSECTIONS DESIGNATED”

Ordinance No. 2004-53 changes the 36th and Mill Street intersection from a 3-way to a 4-way stop intersection.

Upon motion by Councilmember Ambrose Schitter, seconded by Councilmember Renee Kabrick and unanimously approved, it was moved to read the ordinance for one reading only. Thereafter, on motion made by Councilmember Randall Buchta, seconded by Councilmember Ambrose Schitter and unanimously approved, it was moved to have the ordinance read by title only. The ordinance was so read. Thereafter, upon motion made by Councilmember John Schroeder and seconded by Councilmember Thomas Schmidt it was moved to pass and adopt Ordinance No. 2004-53. The measure passed 7-0.

During discussion, City Engineer Chad Hurm reported that an engineering study had been undertaken with the assistance of the police and street departments.

Ordinance No. 2004-54 “AN ORDINANCE AMENDING SECTION 4 (2) OF ORDINANCE No. 546, ENTITLED AN ORDINANCE PROVIDING FOR A UNIFORM CODE FOR TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF JASPER, INDIANA – PARKING PROHIBITED ON CERTAIN DESIGNATED STREETS”

Ordinance No. 2004-54 prohibits parking on both sides of Mill Street, 350 feet north of 36th Street.

Upon motion by Councilmember Raymond Howard, seconded by Councilmember Ambrose Schitter and unanimously approved, it was moved to read the ordinance for one reading only. Thereafter, on motion made by Councilmember Renee Kabrick, seconded by Councilmember Ambrose Schitter and unanimously approved, it was moved to have the ordinance read by title only. The ordinance was so read. Thereafter, upon motion made by Councilmember Bradley Seger and seconded by Councilmember Thomas Schmidt it was moved to pass and adopt Ordinance No. 2004-54. The measure passed 7-0.

During discussion, City Attorney Sandra Hemmerlein stated that the recommendation had come from the Board of Public Works and Safety. City Engineer Chad Hurm reported that an engineering study had been undertaken with the assistance of the police and street departments.

Ordinance No. 2004-55 “AN ORDINANCE AMENDING ORDINANCE NO. 788 ENTITLED AN ORDINANCE PROVIDING FOR CUTTING INTO AND EXCAVATION OF PUBLIC STREETS”

Ordinance No. 2004-55 amends the backfill and resurfacing section of the street cut ordinance in order to require the use of flowable fill.

Upon motion by Councilmember Thomas Schmidt, seconded by Councilmember Randall Buchta and unanimously approved, it was moved to read the ordinance for one reading only. Thereafter, on motion made by Councilmember Randall Buchta, seconded by Councilmember Renee Kabrick and unanimously approved, it was moved to have the ordinance read by title only. The ordinance was so read. Thereafter, upon motion made by Councilmember Thomas Schmidt and seconded by Councilmember John Schroeder it was moved to pass and adopt Ordinance No. 2004-55. The measure passed 7-0.

During discussion, City Engineer Chad Hurm explained why there was a need for flowable fill. City Attorney Sandra Hemmerlein reported that the recommendation had come from the Board of Public Works and Safety and would take effect on January 1, 2005.

Ordinance No. 2004-56 “AN ORDINANCE AMENDING ORDINANCE NO. 2002-54 ENTITLED AN ORDINANCE ESTABLISHING FEES FOR ACTIVITIES OF THE JASPER DEPARTMENT OF PARKS AND RECREATION”

Ordinance No. 2004-56 amends golf course fees and adds special rates.

The ordinance was introduced upon motion by Councilmember Ambrose Schitter, seconded by Councilmember Thomas Schmidt, and unanimously approved, to read the ordinance by title only on first reading. The ordinance was so read. Thereafter, a motion was made by Councilmember Ambrose Schitter and seconded by Councilmember Thomas Schmidt to approve the ordinance on first reading.

During discussion, City Attorney Sandra Hemmerlein explained that the recommendations came from the Park and Recreation Board. She explained that currently, the weekday rates apply to Monday through Friday but that will change to Monday through Thursday. Also, the senior citizen rate would now begin at age 60 instead of age 65. Hemmerlein also stated special rates are proposed to apply from October 15 of each year through March 15 of the next year.

Councilmember Bradley Seger suggested changing the breakdown of the amounts of the green fees and cart fees for the special rates so that the City can keep more of the money. He explained that the cart fees are subject to sales tax whereas the green fees are not and that the cost to the golfer would be the same. His suggestions were:

Special Rates at Municipal Golf Course:

Monday through Thursday

18 hole green fee – change from \$5.00 to \$9.00

Cart Fee - change from \$9.43 to \$5.66

Total = \$14.66 and \$15 with tax

Friday through Sunday

18 hole green fee – change from \$8.00 to \$9.00

Cart fee - change from \$9.43 to \$8.49

Total = \$17.49 and \$18 with tax

Special Rates at Ruxer Golf Course

Monday through Thursday

18 hole green fee – change from \$4.00 to \$8.00

Cart Fee - change from \$9.43 to \$5.66

Total = \$13.66 and \$14.00 with tax

Friday through Sunday

18 hole green fee – change from \$5.00 to \$9.00

Cart fee - change from \$9.43 to \$5.66

Total = \$14.66 and \$15.00 with tax

Councilmember Bradley Seger offered the above listed changes as an amendment to the ordinance.

Thereafter, a motion was made by Councilmember Bradley Seger, seconded by Councilmember John Schroeder, and unanimously approved to amend the ordinance with the changes as listed above.

Mayor Schmitt then called for the vote to approve the ordinance on first reading with the amendments. Motion carried 7-0.

Upon motion by Councilmember Ambrose Schitter, seconded by Councilmember Randall Buchta, and unanimously approved, the ordinance was ordered read on second reading by title only with amendments applied. The ordinance was so read. Thereafter, upon motion made by Councilmember Thomas Schmidt, seconded by Councilmember Renee Kabrick, the ordinance was unanimously approved on the second reading in the form that was amended.

Thereafter upon motion by Councilmember Ambrose Schitter, seconded by Councilmember Randall Buchta, and unanimously carried, it was moved to have the ordinance read on third and final reading by title only with amendments applied. The ordinance was so read. Thereafter, on motion made by Councilmember Renee Kabrick, seconded by Councilmember Randall Buchta, Ordinance No. 2004-56 was unanimously approved, with amendments applied, on the third and final reading.

Ordinance No. 2004-57 “AN ORDINANCE AMENDING ORDINANCE NO. 2002-52 ENTITLED AN ORDINANCE ESTABLISHING FEES FOR MEMBERSHIPS AT THE JASPER DEPARTMENT OF PARKS AND RECREATION GOLF COURSES”

Ordinance No. 2004-57 increases golf pass fees

Upon motion by Councilmember Thomas Schmidt, seconded by Councilmember Ambrose Schitter and unanimously approved, it was moved to read the ordinance for one reading only. Thereafter, on motion made by Councilmember Randall Buchta, seconded by Councilmember Raymond Howard and unanimously approved, it was moved to have the ordinance read by title only. The ordinance was so read. Thereafter, upon motion made by Councilmember Ambrose Schitter, seconded by Councilmember John Schroeder it was moved to pass and adopt Ordinance No. 2004-57. The measure passed 7-0.

During discussion, City Attorney Sandra Hemmerlein explained that the recommendation came from the Park and Recreation Board and the cost for a season pass, excluding Junior passes, would increase by \$25.00

Budget. Councilmember Bradley Seger asked if assessed values had been received concerning the budget. Clerk-Treasurer Juanita Boehm responded that figures should be available within the next month.

Economic Development Commission. Councilmember Bradley Seger asked for an update on the Economic Development Commission. Mayor Schmitt stated that the focus has been on selecting a director and hopefully one will be in place by

January 2005. Mayor Schmitt also stated that the former Dubois County Museum building will be the office location for the Economic Development Commission.

Health Insurance. Councilmember Bradley Seger asked for an update on the City's health care plan. He also asked if any changes were planned for the group insurance because it was a huge budget item for the city. Mayor Schmitt responded that city officials would be meeting with Dunn and Associates next week. Councilmember Bradley Seger suggested that this be a base line year and that some kind of cost sharing be proposed for future years.

Speed Limits. Councilmember Bradley Seger reported that many individuals have approached him concerning speed limits on the newer streets and thoroughfares in the city limits. He said that people consider it more of a hazard to go 25 mph on the newer, wider streets. Mayor Schmitt was of the opinion that city speed limits should remain at 25 mph because neighborhoods continue to develop. City Attorney Sandra Hemmerlein read the ordinance on speed limits and stated that there were some exceptions, but those require an engineering study. Hemmerlein said that she would review the ordinance and state codes and asked for specific areas where possible changes need to be addressed.

Adjournment

There being no further business to come before the board, a **motion** was made by Councilmember Thomas Schmidt and seconded by Councilmember Ambrose Schitter to adjourn the meeting. The motion carried unanimously and the meeting adjourned at 8:23 p.m.

**William J. Schmitt, Mayor
Presiding Officer**

ATTEST:

Juanita S. Boehm, Clerk-Treasurer

Cynthia Kluemper, Recording Secretary